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Letter dated 19 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Slovakia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

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Annex

[Original: English]

Letter dated 19 December 2001 from the Permanent Representative of Slovakia to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I hereby have the honour to forward the report of the Slovak Republic to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001.

The Slovak Government is ready to provide the Committee with further reports or information if necessary or requested by the Committee.

(*Signed*) Peter **Tomka**
Ambassador
Permanent Representative

Enclosure

Report of the Slovak Republic submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Bratislava, 18 December 2001

I

The Slovak Republic joins UN Member States in their commitment to take all necessary measures to protect values targeted by terrorism. The Slovak Republic welcomes and fully supports the UN Security Council Resolution 1373 (2001), unanimously adopted on 28 September 2001, as well as the establishment of the Counter-terrorism Committee for the monitoring of the implementation of this resolution, which provides a very solid basis for a firm and united action against terrorism.

The Slovak Republic actively participates in the international legal framework concerning the fight against terrorism and takes appropriate measures to implement, within its domestic legislation, all obligations under anti-terrorist treaties, as well as other measures to prevent and suppress terrorism.

Immediately after the terrorist attacks on the US cities of 11 September 2001, the Slovak Government approved a number of institutional and organizational, legislative and special preventive measures aimed at combating terrorism. On 21 September 2001, the **Counter-Terrorism Crisis Management Unit** was established at the Ministry of Interior to coordinate the action of the Police Force in case of a crisis caused by terrorist acts. Furthermore, the **Crisis Management Staff** established at the Ministry of Defense is to monitor current developments in the world, situation in the territory of Slovakia and within the defense sector, in order to adopt further adequate preventive measures.

On 17 October 2001, the Slovak Government received a complex information on measures resulting from the SC Resolution 1373 (2001) of 28 September 2001 as well as the EU Action Plan to combat terrorism and on ensuing framework tasks to be performed by the respective ministries and agencies. Slovakia declared the 11th of September "the Day of Combating Terrorism".

By its Resolution No. 1087/2001 of 15 November 2001 the Slovak Government obliged the relevant ministers to implement, within their competence, the obligations in accordance with the Resolution 1373 (2001) of 28 September 2001.

II

In Slovakia, the legislative framework for the prevention and suppression of international terrorism and regulating the detection and punishment of perpetrators of terrorist acts includes applicable instruments of international law, to which the Slovak Republic is a Party, as well as the Slovak domestic legislation.

Sub-paragraph 1 (a) of the Resolution:

The Slovak Government Resolution No. 1087/2001 on the implementation of obligations in accordance with the UN Security Council Resolution 1373 (2001) of 28 September 2001 instructs the Ministry of Finance of the Slovak Republic to adopt, within its competence, all necessary measures to suppress the financing of terrorism.

Currently, a Decree of the Slovak Government aiming to freeze deposits and funds owned by the UNITA leading representatives, their relatives and the Taliban representatives is being drafted. This Decree is going to be adopted in accordance with the provisions of a new Banking Act (Act No. 483/2001) and the provision of Article 56a (International Sanctions) of the Foreign Economic Relations Act No. 42/1980, as amended by Act No. 483/2001, which came into effect on 29 November 2001.

Sub-paragraph 1(b) of the Resolution:

At present, the provisions of the Slovak Penal Code No. 140/1961 outlaw any act committed by a Slovak national or by a foreigner within the territory of the Slovak Republic, if that person by any means, directly or indirectly, provides or collects funds with the intention that they should be used to carry out a crime of terrorism. These provisions are particularly:

- Article 7 - on preparation of a serious crime - such preparation is an offence and is subject to the same sentence as the crime for which such preparations were made;
- Article 10 - on involvement in an offence completed or in an attempt to commit an offence - such acts are offences and subject to the same sentences as the acts of the main perpetrator;
- Articles 252 and 252a - on the crime of money laundering – this offence is subject to the sentences up to 12 years of imprisonment.

The existing legal framework will also incorporate the implementation of the International Convention for the Suppression of the Financing of Terrorism as required by the Resolution of the Slovak Government No. 1018/2000 regarding the above-mentioned Convention.

Sub-paragraph 1(c) of the Resolution:

On 5 October 2001, the Slovak Parliament adopted a new Banking Act, (Act No. 483/2001 on Banks, which also amends, by introducing a new provision of Article 56a "International Sanctions", the Foreign Economic Relations Act No. 42/1980. Should the UN Security Council impose any international sanctions by means of requirement, prohibition or any other restriction intended to maintain the international peace and security, the above-mentioned provision allows imposing such sanctions in the Slovak Republic by means of decrees of the Slovak Government. Such decrees may restrict or prohibit:

- transfers of funds from or to the accounts of sanctioned entities (natural and legal persons) maintained by the banks or branches of foreign banks in case of transfers within the territory of the Slovak Republic or transfers by Slovak nationals, other natural persons residing in the Slovak Republic or legal persons having registered offices in the Slovak Republic;
- interest-bearing on such accounts (the freezing of accounts);
- the provision of any funds, economic or financial assets to entities subject to international sanctions – i.e. the provision of such funds or assets from the territory of the Slovak Republic or by Slovak nationals, other natural persons residing in the Slovak Republic or legal persons having registered office in the Slovak Republic;

- any other activitv that supports or might support activities referred to in the previous paragraphs herein

The Ministry of Finance may impose a financial penalty up to 5 million SKK (Slovak koruna; 1 USD = 48 SKK) for any violation of sanctions imposed. Should such violation constitute a threat to important foreign political or security interests of the Slovak Republic, such penalty may amount up to 30 million SKK.

The above-specified amendment entered into effect on 29 November 2001.

Sub-paragraph 1(d) of the Resolution:

The prohibition of making any funds, financial assets or economic resources or financial or other related services available for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts is based upon the Article 10 of the Slovak Penal Code, which provides that participation in an offence is considered being an offence subject to the same sentence that is applied to the main perpetrator of such offence.

An important part of the criminal procedure regarding funds used or allocated for the purpose of the commission of crimes of terrorism is seizing procedures under the Code of Criminal Procedure, notably the provision of Article 78 of the Code specifying the obligation to render possessions (including financial assets). Under this provision, the person who possesses a thing substantial for the criminal proceedings shall submit such thing upon request. If such thing has to be detained or seized for the purpose of criminal proceedings, the obliged person shall render such thing upon request. Article 79 of the Code of Criminal Procedure specifies the rules for seizure of possessions (including financial assets). These provisions allow seizing possessions substantial for the criminal proceedings, if such possessions were not rendered upon previous request. Article 79c provides rules for freezing a bank account – if funds in a bank account are possession substantial for the criminal proceedings in the case of specified crimes; funds maintained in such account may be seized. If the case requires an immediate response, the corresponding order may be issued outside the pre-trial proceedings. In addition to the above-referred provisions, Article 347 also allows dispossessing the assets of the accused to carry out the sentence of forfeiture of property.

The above-mentioned assets may also be frozen and forfeited on the basis of a decision of the relevant authority of other State.

The recodification of the Code of Criminal Procedure and the Penal Code, which is afoot, also intends to introduce new provisions allowing the police and other law enforcement bodies to actively seek for, identify, evidence and decide about the forfeiture or seizure of an equivalent substitute value, if the original assets ceased to exist.

Under Money Laundering Act No. 367/2000, the financial institutions are required to identify any natural or legal persons preparing or carrying out a financial transaction exceeding a certain value, which amounts to approximately USD 2,000 according to the currently applicable exchange rate, and to reject any unusual transaction and report it to the Financial Police.

Sub-paragraph 2(a) of the Resolution:

The recruitment of members of terrorist groups constitutes an offence under Article 185a of the Penal Code (establishing, masterminding and supporting of a criminal group). This provision is as follows: "Any person who establishes or masterminds a criminal group or is a member of such

a group or participates in or supports such a group, shall be sentenced from 3 to 10 years of imprisonment or to the forfeiture of his/her property."

Under Article 185 (prohibited acquisition and possession of firearms) any person who acquires for himself/herself or for any other person or possesses a weapon of mass efficiency or components of such weapon or collects, manufactures or acquires weapons, ammunition and explosives for himself/herself or any other person shall be sentenced up to 3 years of imprisonment. If such offence was committed to the greater extent, the sentence is from 1 to 5 years.

Under Article 56 of the Foreign Economic Relations Act No 42/1980 as recently amended, the Ministry of Economy, by means of its Decrees, may restrict or prohibit export-import activities or the transit of goods through the territory of the Slovak Republic if required by Slovakia's international commitments. In addition to this, the Ministry, within its Licensing Authority, may impose a trade embargo on the import and export of goods that are subject to the licensing procedures under the Slovak legal system. At present, legal requirements for licensing are governed by the Ministry of Economy Decree No 15/1998 on the Official Licensing of the Import and Export of Goods and Services. Annexes A to E to this Decree provide the lists of goods subject to so-called automatic and non-automatic licensing (i.e. non-automatic licenses are issued for specific types/volume/value of goods or for a specific period so that imports and exports of such goods comply with Slovakia's international commitments). Sub-paragraph 2 (c) of Article 7 provides that "The Ministry may withdraw a non-automatic license issued, if required by important trade-and-political, ecological, health, security or other important interests of the Slovak Republic," which also includes those resulting from Slovakia's obligation to implement relevant UN Security Council's resolutions.

Sub-paragraph 2(b) of the Resolution:

To implement this sub-paragraph of the Resolution the following measures have been adopted:

- Specifications to the Rules on provision of weapons and ammunition issued by the Chairman of the Crisis Management Staff at the Ministry of Defense;
- Rules issued by the Chairman of the Crisis Management Staff at the Defense Ministry specifying procedures to be taken in case of an attempt to penetrate the guarded premises of the Slovak Armed Forces;
- Rules issued for the Commander of the Air Force to implement a special task of air snapshots;
- The Crises Management Staff at the Defense Ministry was established in order to monitor and analyze current developments in the world, situation in the territory of Slovakia and within the defense sector and to propose procedures for timely adoption of adequate preventive measures. The Crisis Management Staff co-operates closely with the National Crisis Staff. To implement necessary tasks, the Crisis Management Staff set up its internal units (the Situation Center, the Operational Center).
- The Minister of Defense issued an order regarding military operation against terrorism calling on all those working in the defense sector to commit to a proper implementation of every-day and extraordinary duties and tasks;
- The Chief of General Staff of the Slovak Armed Forces issued Regulation No. 4 in respect of the US riposte in the field of the fight against terrorist attacks. The purpose of such regulation

is to check the preparedness of radiation, chemical, biological protection and medical units of the Slovak Armed Forces and to assess conditions in the defense sector, foreign missions and soldiers subordinated to the Ministry of Interior.

- The Chief of General Staff of the Slovak Armed Forces issued an order to increase the preparedness of the Slovak Armed Forces in respect of the implementation of duties and tasks in the aftermath of the terrorist attacks on the US.

Sub-paragraph 2(c) of the Resolution:

The Refugees Act No. 283/1995 as amended by the Act No. 309/2000 provides for a proper screening of any asylum seeker. Under this Act, Slovakia may refuse granting refugee status to a foreigner, if such person was found guilty of an act that contradicts the objectives and principles of the UN Charter.

A new asylum law is being prepared. It will fully implement, among others, the 1951 Convention relating to the Status of Refugees (see also sub-paragraphs 3(f) and 3(g)).

Sub-paragraph 2(d) of the Resolution:

The Police Force of the Slovak Republic is in charge of the implementation of the requirements provided by this sub-paragraph of the Resolution. To this end, the Police Force, among others:

- Regularly checks ID cards and residence permits to detect any forged documents;
- Carries out security operations designed to check foreigners on accommodation premises;
- Checks and monitors locations where foreigners having long- or short-term residence permits in Slovakia reside;
- Checks and monitors foreigners residing in Slovakia for a short period, particularly in hotels, hostels, health facilities, etc. The Police Force also checks whether the operators of accommodation facilities comply with their duties in this field;
- Before granting or extending residence permits in Slovakia, it thoroughly checks whether such foreigners participate in terrorism.

Sub-paragraph 2(e) of the Resolution:

Combating terrorism is indirectly covered by the existing domestic legislation ensuring punishment of any individual, who financially supports any offence, including terrorism. If funds come from illegal sources, domestic money laundering legislation is applicable. The Slovak Penal Code contains a sufficient system and number of penalties and protective measures. However, it does not recognize the concept of criminal responsibility of a legal person.

The applicable Slovak system of criminal law does not contain specific provision on the crime of terrorism (terrorist act). It does not specify either the act of traditional terrorism, responding to international relations or internal political struggles, to which violent acts, political murders or other attacks against lives, freedoms and individual human rights are common nor criminal terrorism that takes various forms. In this sense, there are no specific provisions relating to crime of terrorism in the applicable Penal Code. However, any act aiming to accomplish terrorist act, although it is not explicitly governed by the Penal Code, can be punished under other provisions of the applicable Penal Code. These are notably the provisions of Articles 93 and 93a

that contain the elements of crime of terror. Some elements of terrorism are contained also in the elements of other crimes - under Article 95 (subversion) and 97 (sabotage).

Furthermore, Slovak criminal material law – Slovak Penal Code - contains several provisions specifying the elements of crimes that punish acts considered as a terrorist acts under international law. For instance: Article 179 general endangerment, Articles 180a and 180b relating to the endangerment of the safety of an aircraft or civilian ship, Article 180c relating to the hijacking of aircraft and keeping it abroad, Article 182 on causing damages and endangering the operation of a generally beneficial establishment, Article 185 relating to prohibited acquisition and possession of firearms, Article 185a relating to the establishing, masterminding and supporting a criminal group, Articles 187a and 188 on prohibited production and possession of nuclear material, Articles 196 and 197a regarding violence against a group of citizens or an individual, Article 199 relating to the dissemination of a false alert, Article 219 relating to murder, Articles 221 and 222 regarding bodily harm, Article 231 relating to the restriction of personal freedom, Article 232 on the deprivation of personal liberty, Article 233 on kidnapping of a person and keeping it abroad, Article 234a relating to taking of hostages, Article 235 on extortion and Article 238 on violation of dwelling freedom.

Both offences accomplished as well as the individual stages leading to a crime, particularly preparation (in the case of serious crimes) and an attempt to commit a crime, are established as offences under Slovak penal law. A person who committed such an act individually or as an accomplice is considered responsible under criminal law. Certain forms of aiding and abetting are also considered as an offence, notably inciting to an offence, advocating an offence, abetting, failure to prevent and failure to report a crime. Any person organizing, soliciting or aiding to commit a crime is responsible under criminal law for the crime accomplished.

At present, Slovak criminal procedural law provides appropriate procedural mechanisms and procedures necessary to detect and convict the perpetrators of terrorist acts. To this end, recent amendments to the Code of Criminal Procedures have been very essential as they advanced existing mechanisms applied and introduced new mechanisms allowing adequate response to the most serious, mainly organized forms of crime. These are, for instance, Article 87a relating to the content of shipments, Article 88a on controlled delivery, Article 88b on agents and the introduction of new legal guarantees in respect of witness protection, which are transposed into, among others, Articles 101, 101a and 209 of the Code of Criminal Procedure (relating to the secret identity and residence of witnesses), extension of detention of an accused person, detention and restriction of personal freedom of a suspect person as well as extension of period for decision in respect of a detained person (Articles 75, 76, 77 of the Code of Criminal Procedure), etc.

Persons participating in terrorist acts are brought to justice under the provision of Article 2, paragraph 3 of the Code of Criminal Procedure. Under this provision, the prosecutor must prosecute all offences brought to his knowledge. State bodies must report without any delay any facts indicating that a crime was committed. Such facts must be reported to the prosecutor or the police.

Crimes of terror under Articles 93 and 93a, prohibited crossing over the state border under Article 171a, paragraphs 2, 4 and 5, general endangerment under Article 179, paragraphs 2 and 3,

endangerment of the safety of an aircraft and civilian ship under Article 180c, paragraph 2, the establishment, masterminding and supporting of a criminal group under Article 185a, prohibited production and possession of nuclear material and highly risky chemical substances under Article 187, paragraph 3, murder under Article 219, robbery under Article 234, paragraphs 2 and 3, taking hostages under Article 234a, paragraph 3, extortion under Article 235, paragraphs 2, 3, 4 and 5, which all constitute acts committed by terrorists are defined as serious crimes in Articles 62 and 42 of the Penal Code. This is also reflected in the length of sentence as well as in the rules governing the crime investigation and detection. The upper limit of sentence for a serious crime is at least 8 years of imprisonment. For instance, in the case of crime of terror under Article 93 the sentence is form 12 to 15 years of imprisonment or an exceptional sentence; similar sentence relates to crimes under Article 93a, paragraph 3.

The recodification of the Penal Code, which is afoot, will take into consideration the severity of terrorism in respect of the length of sentences. The introduction of a concept of the criminal liability of legal persons is being also considered.

The Slovak Republic pays a lot of attention to the EU's efforts to define crime of terrorism and terrorist groups and intends to transpose such definition into its Penal Code as soon as possible, no later than within the recodification process of the Penal Code.

The Money Laundering Act No. 367/2000 is a specific legislative instrument extending the scope of legal means aimed to detect and punish perpetrators of organized crime and may also be applied in combating terrorist acts.

The Weapons and Ammunition Act No. 246/1993, as amended, specifies the types of weapons that can be possessed and borne, the basic requirements of the possession and bearing of weapons, requirements for the import, export and transfer of weapons and ammunition and the obligations and duties of persons possessing weapons and ammunition.

The Slovak legal system provides protection against the intimidation of witnesses as part of the efforts to fight most serious, mainly organized forms of crime. Such protection is given under Act No. 256/1998 on Witness Protection and Modification and Amendments to Certain Acts.

International counter-terrorism conventions are also reflected in the following Slovak legislation:

- Police Force Act No. 171/1993 as amended;
- Slovak Intelligence Service Act No. 46/1993;
- Military Intelligence Act No. 198/1994;
- Railway Police Act No. 57/1998;
- Witness Protection Act No. 256/1998;
- Act No. 183/1999 modifying and amending Act No. 140/1961 (the Penal Code), which modifies and amends Act No. 249/1994 on Money Laundering in respect of most grave, mainly organized forms of crime;
- Money Laundering Act No. 367/2000;
- Foreign Economic Relations Act No. 42/1980 as amended;
- Banking Act No. 483/2001, amending certain other acts.

Sub-paragraph 2(f) of the Resolution:

Assistance to other state is mainly provided in the field of police co-operation, especially with respect to the neighboring countries and within the scope of the EU integration process.

The advancement of certain forms of cooperation such as cross-border surveillance, joint investigation teams or operation of policemen abroad will be allowed by the drafted amendment to the Police Force Act.

The Code of Criminal Procedure provide the international legal assistance during criminal proceedings. Among others, the provisions of Article 375 determine, for such assistance, the priority application of international agreements or decisions of international organizations in force for the Slovak Republic. This also applies to the UN Security Council resolutions. The Slovak Republic is bound by international agreements providing the legal assistance with respect to a sufficient number of states.

Common forms of legal cooperation with other states apply also to terrorism. The recent amendment to the Slovak Constitution and the amendment to the Penal Code (Article 21), allow the extradition of Slovak nationals, if the Slovak Republic is bound to do so in accordance with an international agreement or a binding decision of an international organization.

The Slovak Republic intends to transpose the definitions of terrorist act, terrorist group and the concept of European arrest warrant as well as other forms of mutual co-operation in the EU region as part of the recodification of its Penal Code and Code of Criminal Procedure. Such provisions will advance the existing cooperation also with respect to combating terrorism.

Sub-paragraph 2(g) of the Resolution:

To implement the requirements of sub-paragraph 2(g) of the Resolution, measures seeking to increase the security of the state borders have been adopted.

On the basis of the Slovak Government Resolution of 26 September 2001, the Slovak Armed Forces earmarked and dedicated additional 154 conscripts and 11 professional soldiers to strengthen the protection of the state borders. Furthermore, the following measures were also adopted:

- The Chief of General Staff of the Slovak Armed Forces issued an order requiring to identify the number of Slovak Armed Forces staff earmarked and dedicated to the defense and protection of important facilities and for the protection of the state borders;
- Order of the Defense Minister and the Chief of General Stuff were issued to earmark Slovak Armed Forces soldiers to support the units of the Ministry of Interior dealing with the protection of the state borders;
- Earmarked solders are deployed in joint patrols (with the Border Police) to strengthen the protection of the state borders (5 November 2001).

The Police Automated Information System has been put into operation since 1 October 2001. This system allows recording the occurrence of forged public documents, including passports. The necessary exchange of information concerning combating terrorism is, in the present time, realized mostly through the National Center of Interpol.

The Slovak Republic adopted a series of measures in respect of international airports, cross-border control, notably on the envisaged external EU-Ukrainian border. Such measures seek to ensure the security of air passengers through enhanced protection and control of airport public

premises, pre-flight aircraft inspection, a more stringent surveillance of runways and other airport premises. Specific attention is paid by cross-border controls to the inspection of the travel documents of nationals of States in crisis and to the Slovak visas in order to detect all forged documents. Personal and luggage checks are carried out in case of selected passengers and information on specific persons is collected. The protection of the green border on the EU external border has been enhanced in cooperation with the Slovak Armed Forces on a temporary basis. The purpose of these measures is to prevent persons involved or allegedly involved in terrorist attacks or cooperating with terrorist organizations from entering the Slovak territory.

Prior to granting visa to foreign nationals or foreigners coming from selected States in crisis, the Foreign and Alien Police Office of the Police Force Presidium gives its position to this end. This procedure has been in force since 1 November 2001. The Foreign and Alien Police Office analyses countries and regions with increasing movement of population, as a result of the terrorist attacks on the US.

Sub-paragraph 3(a) of the Resolution:

To support the joint US-NATO counter-terrorism operations, the Slovak Government adopted its Resolution No 888/2001 of 21 September 2001 to ensure the use of airspace of the Slovak Republic and landings of US aircraft and personnel within its territory. Furthermore, the Defense Minister and the Chief of General Staff of the Slovak Armed Forces issued regulation to this end.

In the light of the recent security situation and conditions, work with informers have become more intensive in order to obtain, assess and exchange information on possible terrorist operations or provision of assistance or funds to terrorists. Information is also collected in respect of trade in weapons and ammunition. The National Anti-Drug Unit has stepped up efforts in detecting illicit financial flows involving drug-related crime, facts or circumstantial evidence on links between such cash flows and terrorist groups. Such information is provided immediately to the relevant units of the Criminal or Financial Police.

The existing legal instruments and institutional framework (Interpol, Europol, contacts with the FBI) are applied in the field of international cooperation. In November 2001, the Slovak Republic became a permanent member of the Police Working Group for Terrorism (PWGT), of which all EU Member States, Norway and Switzerland are members. The Group facilitates and supports cooperation and coordination among law enforcement agencies, the exchange of confidential, secret and top-secret terrorism-related information via a unified communication network.

Sub-paragraph 3(b) of the Resolution:

The legislative basis for international cooperation and the role of the judiciary in criminal proceedings is in place. The Minister of Justice shall provide necessary specifications and shall continue making efforts in this respect within the scope of the Council of Justice and Interior Ministers, Justice Ministers of the Visegrad Four countries and of the Central European Initiative in order to co-ordinate activities designed to combat terrorism in the field of justice. The Ministry of Justice shall contribute to the exchange of information via the Eurojust Network.

Chapter XXIV (External Legal Relations) of the Code of Criminal Procedure governs the involvement of pre-trial proceeding bodies in international co-operation in the field of the fight

against organized crime and terrorist acts. These provisions are applied only, if the relevant international agreements do not provide otherwise. These provisions lay down rules and procedures relating to the requesting the extradition of a perpetrator from a foreign state, the extradition to a foreign state, the acceptance and handing over the criminal cases, legal aid and the execution of a sentence or a judgment of foreign courts in accordance with the international legal instruments to which the Slovak Republic is a Party. Pursuant to Article 384, paragraph 5 of the Code of Criminal Procedure and in accordance with terms and conditions laid down by the relevant international agreement biding upon the Slovak Republic, a decision on the preliminary seizure of the property of a person subject to criminal prosecution abroad may be issued.

Slovak law enforcement authorities do not cooperate directly with their foreign counterparts in the field of investigation carried out by the investigators of the Police Force (legal assistance). Such international cooperation is realized through the Prosecutor-General's Office and/or the Ministry of Justice, except for the cooperation with the Czech Republic.

Sub-paragraph 3(c) of the Resolution:

In addition to 11 out of 12 global international anti-terrorist treaties, the Slovak Republic is a Party to the following bilateral agreements against terrorism and/or containing provisions related to the fight against terrorism:

1 Agreement between the Government of the Slovak Republic and the Government of Belgium on police cooperation (Brussels, 29 June 2000);
2 Agreement between the Government of the Slovak Republic and the Government of the Republic of Bulgaria on police cooperation (Sofia, 4 November 1999);
3 Agreement between the Government of the Slovak Republic and the Government of the Czech Republic on cooperation between the pre-trial proceeding authorities (Bratislava, 22 February 1993);
4 Agreement between the Government of the Slovak Republic and the Government of France on cooperation in the field of internal matters (Bratislava, 7 May 1998);
5 Agreement between the Government of the Slovak Republic and the Government of the Republic of Latvia on cooperation in the field of combating terrorism, illicit trafficking in drugs and other organized crime (Riga, 24 May 1999);
6 Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on cooperation in the field of combating terrorism, illicit trafficking in drugs and other organized crime (Budapest, 28 June 1995);
7 Agreement between the Government of the Slovak Republic and the Government of Malta on cooperation in the field of combating organized crime (Bratislava, 16 May 2000);
8 Agreement between the Government of the Czech and Slovak Federal Republic and the Government of Germany on cooperation in the field of combating organized crime (Prague, 13 September 1991);
9 Agreement between the Government of the Slovak Republic and the Government of Slovenia on cooperation in the field of combating terrorism, illicit trafficking in narcotic and psychotropic substances and precursors and organized crime (Bratislava, 14 September 1994);
10 Agreement between the Government of the Slovak Republic and the Government of Spain on cooperation in the field of the combating organized crime (Bratislava, 3 March 1999);

11 Agreement between the Government of the Slovak Republic and the Government of Ukraine on cooperation in the field of combating organized crime (Bratislava, 5 December 2000);
12 Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the United Kingdom of Great Britain and Northern Ireland on cooperation in the field of combating terrorism, trafficking in narcotics and organized crime and general aspects of security practice (Prague, 23 July 1990);
13 Agreement between the Government of the Slovak Republic and the Government of Turkey on cooperation in the field of combating international terrorism, illicit trafficking in drugs and other organized crime (Ankara, 6 June 1996);
14 Agreement between the Government of the Slovak Republic and the Government of Turkmenistan on cooperation in the field of combating international terrorism, illicit trafficking in drugs and other organized crime (Moscow, 8 August 1996).

The Slovak Republic is a Party to the following regional conventions:

- European Convention on the Suppression of Terrorism (Strasbourg, 27 January 1979);
- European Convention on Extradition (Paris, 13 December 1957);
- Additional Protocol to the European Convention on Extradition (Strasbourg, 15 October 1975);
- Second Additional Protocol to the European Convention on Extradition (Strasbourg, 17 March 1978);
- European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 20 April 1959);
- Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Strasbourg, 17 March 1978);
- European Convention on the Transfer of Proceedings in Criminal Matters (Strasbourg, 15 May 1972);
- Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983);
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 8 November 1990).

Sub-paragraph 3(d) of the Resolution:

In the light of the fact that the Slovak Republic is a Party to 11 out of 12 universal counter-terrorism international conventions, the Slovak Republic has only to ratify outstanding convention - the International Convention for the Suppression of the Financing of Terrorism, signed on behalf of the Slovak Republic on 26 January 2001. In its Resolution No 1018 of 6 December 2000, the Slovak Government gave its consent to sign the Convention subject to ratification, and required the Justice and Interior Ministers to present proposals, by 31 March 2002, regarding the legislative requirements to implement obligations arising out of the provisions of the Convention in the Slovak criminal legal system. Furthermore, the Government requested the Foreign Minister to submit the signed Convention for governmental approval by 30 June 2002, which will be followed by Parliamentary approval and subsequently by ratification by the President.

Sub-paragraph 3(e) of the Resolution:

The criminalization of acts within the scope of universal counter-terrorism conventions (except for the last one) has already been implemented in the Slovak Penal Code. Requirements for mutual cooperation are already effective, even without their implementation, due to the provisions of Article 375 of the Code of Criminal Procedure (relating to External Legal Relations).

The Slovak Republic needs to implement the requirements of the criminalization of acts required by the International Convention for the Suppression of the Financing of Terrorism and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. Although the Slovak Republic is not yet Party to these instruments, preparations are under way to implement them through the forthcoming recodification of the Penal Code. The requirements and obligations in respect of mutual cooperation will be provided by the provision of Article 375 (External Legal Relations) of the Code of Criminal Procedure.

Sub-paragraph 3(f) of the Resolution:

The applicable Refugee Act No. 283/1995 as amended by Act No. 309/2000 sufficiently provides for a thorough checking of any asylum seeker. Photographs and fingerprints are taken in the case of each applicant. The provision of Article 8, sub-paragraph c) allows non-granting refugee status to a foreigner who was convicted guilty of acts contradicting to the objectives and principles of the UN Charter.

It should be noted that the provision of Article 1 F (so-called excluding clause) of the Convention relating to the Status of Refugees (Geneva, 1951) is fully transposed into a new Asylum Act being drafted. Currently, this provision is already respected and applied as the Convention to which the Slovak Republic acceded prevails over the currently applicable Refugee Act.

Sub-paragraph 3(g) of the Resolution:

By its Resolution No 105 of 6 February 1996, the Slovak Government adopted a document - The Comprehensive approach to the integration of foreigners with refugee status into the society. Based on this document, the Migration Authority of the Ministry of Interior provides for such foreigners with first accommodation and first jobs. In cooperation with the UNHCR, the Good Will People Society and state and local authorities, the Migration Authority monitors the process of integration.

The currently applicable Refugee Law refers to a possibility to withdraw refugee status (Article 9) if the refugee committed an extremely grave crime for which he/she was sentenced. Refugee status may also be withdrawn if such status was granted on the basis of false information or counterfeited documents.

Paragraph 4 of the Resolution:

On 14 December 2000, the Slovak Republic signed the UN Convention against Transnational Organized Crime and on 15 November 2001 it signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

Currently, the internal approval process with a view to sign the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime is underway.

The ratification process related to all the four instruments is to be completed by 30 September 2002.

Concerning regional conventions applicable in this field, the Slovak Republic is a Party to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime (Strasbourg, 8 November 1990) and a contracting state to the Council of Europe Criminal Law Convention on Corruption (Strasbourg, 27 January 1999).

Currently, a new Act on Special Prosecutor for fighting corruption and organized crime is being drafted. It is proposed that Prosecutor will have jurisdiction over detection and investigation of criminal offences of corruption according to Section III Chapter III of the Special Part of the Penal Code and criminal offences of legalization of proceeds of crimes according to Articles 252 a 252a of the Penal Code. Moreover, facultatively, he will be competent to detect and investigate criminal offences according to Article 158 of the Penal Code (abusing of authority by public official) and any criminal offences committed by a organized criminal group.

The Slovak Republic also considers important to implement the European Council Act of 29 May 2000 confirming the Convention on Mutual Assistance in Criminal Matters (2000/C 197/01) in line with Article 34 of the Treaty on the European Union.